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 Attorneys for Debtors and Debtors-in-Possession

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

Chapter 11

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED FUND,
 LLC,
 Debtor.

Jointly Administered Under
 Case No. BK-S-06-10725 LBR

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

EX PARTE APPLICATION
FOR ORDER APPROVING
EXAMINATION OF JOSEPH D.
MILANOWSKI PURSUANT
TO FED. R. BANKR. P. 2004

In re:
 USA SECURITIES, LLC,
 Debtor.

Affects:
☒ All Debtors
☐ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Pursuant to Fed. R. Bank. P. 2004, USA Commercial Mortgage Company, USA Securities,
 LLC, USA Capital Realty Advisors, LLC, USA Capital Diversified Trust Deed Fund, LLC, and
 USA Capital First Trust Deed Fund, LLC (collectively, the “Debtors”), by and through their

counsel, hereby apply for an order directing Joseph D. Milanowski ("Milanowski"), to be examined under oath in relation to the following:

Acts, conduct or property of the Debtors, or to any matter which may affect the administration of the Debtors' estate; and acts, conduct, or property of the Debtors that relate to the liabilities and financial condition of the Debtors, the source of any money or property acquired or any other matter relevant to the case.

Fed. R. Bank. P. 2004(a) provides that "[o]n motion of any party in interest, the court may order the examination of any entity."

Local Rule 2004 provides, in pertinent part, the following:

(b) Order for examination. Orders for examination may be signed by the clerk if the date set for examination is more than ten (10) business days from the date such motion is filed....

As set forth above, the date for the proposed examination is more than ten (10) business days from the date of this Application. Accordingly, Debtors respectfully request that the Clerk of the Court docket the Order for Examination of Milanowski pursuant to Fed. R. Bank. P. 2004 submitted herewith.

WHEREFORE, Debtors respectfully request that this Honorable Court direct Milanowski to appear on December 15, 2006 at 9:00 o'clock a.m. at the Debtors' business offices located at 4484 South Pecos Road, Las Vegas, Nevada, 89121.

Respectfully submitted this 30th day of November, 2006.

/s/ Jeanette E. McPherson

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